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ON PAGE A-12

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Panel Passes Bill to Outlaw Identifying Covert Agents

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The House Intelligence Committee rushed out a bill yesterday to outlaw the publication of any information, obtained from either classified or unclassified sources that identifies a covert agent.

The committee was spurred to move rapidly after the home of the Jamaican CIA chief of station was sprayed with gunfire after his name was published.

The bill is designed, in part, to ensure that an organization called Covert Action, which has published the names of more than 2,000 CIA agents, including the one in Jamaica, will be required to stop publication. Covert Action culls its names from sources in public libraries.

Nicknamed the "covert action bill," it has drawn the opposition of the Justice Department, the American Civil Liberties Union and the American Newspaper Publishers Association. They say the bill is unconstitutional and may chill criticism of the CIA.

A sister bill is scheduled for markup in the Senate Intelligence Committee Tuesday.

Many people on both sides of the issue say that what Covert Action does is wrong, describing its practices as reprehensible, heinous or pernicious.

Discord arises, however, on whether the government can prosecute individuals who gain their knowledge about agents from unclassified sources.

The bill's proponents say it is narrowly focused on individuals who specifically set out to identify agents and who act "with the intent to impair or impede" American foreign intelligence efforts. They say the bill would not effect the press.

They maintain that the bill is necessary to protect covert agents, both in the Central Intelligence Agency and the Federal Bureau of Investigation, and to guarantee their effective operation.

Edward P. Boland (D-Mass.), chairman of the House Intelligence Committee, said covert agents are "the operating heart" of American intelligence and that revealing their identities "benefits no one but our adversaries."

The bill's critics say it could be used against investigative reporters.

Committee member Les Aspin (D-Wis.) introduced an amendment that would have allowed a defendant to use the fact that his information was in the public record as part of his defense.

He said a reporter who covered the CIA and who found his information from unclassified sources should not be prosecuted. It is conceivable, he said, that such a person could be accused of acting to damage foreign intelligence gathering under the terms of the bill.

Aspin was the only member of the committee to vote for his amendment.

A government employee who made classified information public could be fined up to \$50,000 and imprisoned for as long as 10 years under the bills.

A private citizen who made public the identity of an agent from classified or unclassified sources could be fined up to \$15,000 and imprisoned for a maximum of 3 years.